

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

| | | |
|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| v. | : | |
| | : | |
| LARRY McDANIEL, | : | CRIMINAL ACTION NO. |
| HOWARD BROWN and | : | 2:12-CR-00028-RWS |
| SEAN KING, | : | |
| | : | |
| Defendant. | : | |

ORDER

This case is before the Court for consideration of Defendant King's Motion to Dismiss Indictment [63]; Defendant McDaniel's Motion to Dismiss Count One and to Adopt Co-Defendant King's Motion to Dismiss [66]; Defendant Brown's Motion to Dismiss Indictment and to Adopt Co-Defendant King's Motion to Dismiss [67]; Defendant McDaniel's Motion for Return of Property [78]; Defendant King's Motion for Relief [132]; and Reports and Recommendations [110, 118, and 125] of Magistrate Judge J. Clay Fuller. After reviewing the record, the Court enters the following Order.

In the Report and Recommendation [110] issued by Judge Fuller on January 29, 2013, he recommends that Defendant's Motions to Dismiss Count

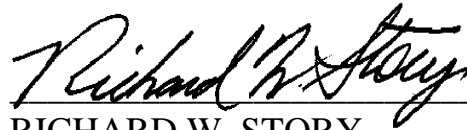
One of the Indictment [63, 66, and 67] be granted and that Count One of the Indictment be dismissed as to all Defendants. No objections to the Report and Recommendation have been filed. After reviewing the Report and Recommendation, it is received with approval and adopted as the Opinion and Order of this Court. Accordingly, Defendant's Motions to Dismiss Count One of the Indictment [63, 66, and 67] are **GRANTED**, and Count One of the Indictment is hereby **DISMISSED** as to all Defendants. Defendant King's Motion for Relief [132] is also **GRANTED**.

On March 22, 2013, Judge Fuller issued a Report and Recommendation [125] recommending denial of Defendant King's Motion to Suppress [64]. However, Defendant King has withdrawn the Motion to Suppress [128]. Therefore, this issue is **MOOT**.

On February 12, 2013, Judge Fuller issued a Report and Recommendation [118] in which he recommended that Defendant's Motion for the Return of Property [78] be denied. No objections have been filed to the Report and Recommendation. After reviewing the Report and Recommendation as to this Motion, it is received with approval and adopted as

the Opinion and Order of this Court. Accordingly, Defendant McDaniel's Motion for Return of Seized Property [78] is hereby **DENIED**.

SO ORDERED this 5th day of August, 2013.

A handwritten signature in black ink, reading "Richard W. Story", is written over a horizontal line.

RICHARD W. STORY
UNITED STATES DISTRICT JUDGE